

By Cynthia Alameda

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9
10 **BEFORE THE**
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BUREAU
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 1L 2008 35

13 GUADALUPE GARCIA
P.O. Box 1792
14 Costa Mesa, CA 92628

A C C U S A T I O N

15 Audiologist License No. 685

16 Respondent.

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18 Complainant alleges:

19 PARTIES

20 1. Annemarie Del Mugnaio (Complainant) brings this Accusation solely in
21 her official capacity as the Executive Officer of the Speech-Language Pathology and Audiology
22 Bureau, Department of Consumer Affairs.

23 2. On or about July 27, 1981, the Speech-Language Pathology and Audiology
24 Bureau (Bureau) issued Audiologist License No. 685 to Guadalupe Garcia (Respondent). The
25 Audiologist License was in full force and effect at all times relevant to the charges brought herein
26 and will expire on October 31, 2009, unless renewed.

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4. Section 2531.5 of the Code provides that the board shall issue, suspend, and revoke licenses and approvals to practice speech-language pathology and audiology as authorized by this chapter.

“Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.”

“If a licensing agency determines that its licentiate’s ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- “The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or

1 control of the condition which caused its action and until it is satisfied that with
2 due regard for the public health and safety the person's right to practice his or her
3 profession may be safely reinstated."

4 **CAUSE FOR DISCIPLINE**

5 **(Mental Illness)**

6 7. Respondent has subjected her Audiology License No. 685 to disciplinary
7 action under sections 820 and 822 of the Code, in that she has been found to suffer from a mental
8 illness, as more particularly described hereinafter:

9 (a) On or about March of 2008, respondent began experiencing paranoia,
10 decreased memory and concentration, and loss of appetite. While at work, respondent was
11 unable to function, was disoriented and stayed in her office. Ultimately she was taken to a
12 hospital for treatment and stayed there for approximately 2 weeks.

13 (b) On or about April 22, 2008, respondent sent correspondence to the Bureau
14 stating that she was suffering from a mental impairment.

15 (c) On or about July 5, 2008, respondent voluntarily agreed to undergo a
16 mental examination at the request of the Bureau.

17 (d) On or about August 20, 2008, respondent underwent a psychiatric
18 examination. It was determined that respondent had a history of a recurrent mental disorder, a
19 psychotic condition for which regular care and observation of a psychiatrist was recommended
20 during the period in which respondent practices Audiology.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

- 4 1. Revoking or suspending Audiologist License No. 685, issued to
5 respondent;
6 2. Ordering Guadalupe Garcia to pay the Bureau the reasonable costs of the
7 investigation and enforcement of this case, pursuant to Business and Professions Code section
8 125.3; and,
9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: December 5, 2008

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14 ANNEMARIE DEL MUGNAIO
15 Executive Officer
16 Speech-Language Pathology and Audiology Bureau
17 Department of Consumer Affairs
18 State of California
19 Complainant
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